

REMARKS

Arrangement of the Specification

The examiner's requirement to include a brief summary of the invention section is traversed. A brief summary is not required by the Patent Rules. Rule 73 states, "Such a summary should, *when set forth*, be commensurate with the invention as claimed." 37 C.F.R. §1.73 (emphasis added). Clearly, a summary of the invention is not required under the Patent Rules. Withdrawal of the requirement is requested.

Claim Rejections—35 U.S.C. §112

In view of the amendments to the claims, reconsideration of the rejections is requested.

Claim Rejections—35 U.S.C. §103

The examiner rejected each of the claims as being unpatentable over ZipLink in view of Official Notice. Reconsideration of each rejection is requested.

According to some embodiments of the present invention, the user interacts with a service provider on behalf of a retail vendor. The service provider may be one that a user trusts enough to provide personal information to that service provider. Specification, page 6, lines 13-16. In turn, the service provider, which is independent of a retail vendor, may provide customized options to the user on behalf of the retail vendor. Specification, page 3, lines 22-26. To receive Internet services through the provider however, the user must first receive content related to the products or services of the retail vendor. Specification, page 4, lines 1-4. In some cases, the user allows the service provider to control the user's client system, which may include providing graphical user interfaces that provide targeted information about a particular retail vendor. Specification, page 5, lines 16-21. In one instance, a graphical user interface may appear upon power up and booting of the client system. Specification, page 8, lines 1-2. In fact, the service provider and software on the client system may control the client system such that the user is not free to immediately select any Internet site. Rather, the user must first peruse interfaces controlled by the service provider. Specification, page 10, lines 8-16.

Ziplink does not control a client system in this way. Ziplink's Virtual ISP Program merely provides virtual Internet connectivity and customer care management services. Because Ziplink's customers are virtual ISPs, the users accessing a Ziplink-customer web site do not know that Ziplink is the true service provider. This may be disadvantageous to a company in that a user may be unfamiliar with the Ziplink customer and may go elsewhere, such as to a

known entity for Internet services. In contrast, according to some embodiments of the present invention, the user knows that he or she is dealing with a trusted provider and hence may be willing to receive information regarding a less well-known or trusted entity through the service provider.

Additionally, Ziplink does not specifically disclose a graphical user interface and most certainly does not disclose a second graphical user interface that includes customized content that is based on a user preference, which was provided to the trusted service provider.

In the Office action, the examiner relies on Official Notice to make many, if not all, of the rejections. The examiner's heavy reliance on Official Notice in a final Office action is inappropriate. For example, Official notice "should be rare when an application is under final rejection or action under 37 CFR 1.113." MPEP §2144.03(A). As Official notice was relied on to reject independent and dependent claims, the examiner's reliance on Official notice is considerably less than rare. For at least this reason, the rejections based on Official notice are traversed. Evidence in support of the examiner's assertions of Official notice is requested.

Furthermore, the examiner has not shown that the elements asserted to be well known or Officially noticed are well known in context of the claim. As one example, the examiner notices that it is old and well known to provide advertisements based on someone else's preferences. The examiner neither asserts nor demonstrates that it is old and well known to provide advertising to a user that is logged onto a system based on a preference of another recognized user of the same system, the advertising in a graphical user interface received from a service provider. Due to the numerous references to Official notice and the impropriety of these notices, the examiner is requested to provide evidence in support of each assertion of Official notice and of being well known in the art.

Even with Officially noticed subject matter there has to be some suggestion or motivation to combine the reference teaching or modify Ziplink. Merely identifying different elements of a claimed invention in the prior art does not render the claim obvious. *See, e.g., In re Kotzab*, 217 F.3d 1365, 1370 (Fed. Cir. 2000). There has to be some suggestion, motivation or teaching of the desirability to make the specific combination claimed by an applicant. *Id.* The examiner has not provided a suggestion or motivation to modify Ziplink in view of the alleged well-known subject matter.

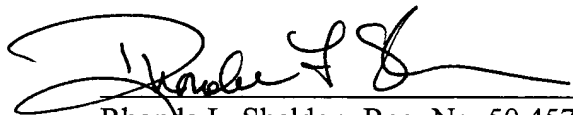
Given that Ziplink does not teach or suggest all of the elements of the amended claims, that the reliance on Official notice is inappropriate, and that there is no reason to modify Ziplink, each of the claims is distinguished over the art of record.

CONCLUSION

In view of the amendments and remarks herein, the application is in condition for allowance. The commissioner is authorized to charge any additional fees, including extension of time fees, or credit any overpayment to the Deposit Account Number 20-1504 (ITL.0391US).

Respectfully submitted,

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